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09/756,005	01/08/2001	Dan Moshe Kabin		3711

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EXAMINER

COLBERT, ELLA

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/756,005

Applicant(s)

KABIN, DAN MOSHE

Examiner

Ella Colbert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 1004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Claims 1-29 are pending in this communication filed 10/21/04 entered as Response After Non-Final Action. Applicant is requested to see the attached documents entitled "Revised Amendment Practice Final Rule Effective July 30, 2003".
2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

3. As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if

the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Content of Specification

4. (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.

Or alternatively, Reference to a "Microfiche Appendix": See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.
- (e) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
 - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
 - (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are

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solved by the applicant's invention. This item may also be titled "Background Art."

- (f) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (g) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (h) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (i) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).
- (j) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if

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an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).

- (k) Sequence Listing, See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-29 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

7. The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claims 1-29 are rejected under 35 U.S.C. 101 as non-statutory subject matter.

The method claims as present do not claim a technological basis in the body of the

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claim. Without a claimed basis, the claim may be interpreted in an alternative as involving no more than a manipulation of an abstract idea and therefore non-statutory under 35 U.S.C. 101. In contrast, a method claim that includes in the body of the claim at least one structural/functional interrelationship which can only be computer implemented is considered to have a technological basis [See Ex parte Bowman, 61 USPQ2d 1669, 1671 (BD. Pat. App. & Inter. 2001) – used only for content and reasoning since not precedential]. Suggestion example:

I Claim:

1. A computer-implemented method for using a virtual cash limited money card, comprising the steps of:

issuing at the computer a request money card by an issuing company to a person;

Wherein said money card has a set limit determined by a person; .

Above are a few lines of claim 1 as an example of the proper claim format for the Applicant.

It is difficult for the Examiner to determine the Applicant 's invention because of the claims, the Specification, and abstract format.

10. An examination of this application reveals that Applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention

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disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by (US 5,350,906) Brody et al.

As per claim 1, Brody teaches, An item, comprising:

A money card, said money card having been provided by an issuing company at the request of a person; and, wherein said money card is limited to use up to a certain amount of money determined by the person's request. The card being comprising a card number, a card identifying code and a card changing code. The card number and identifying code are submitted in transactions while the changing code is used by the cardholder to change the card details, and is not submitted in transactions. The card

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does not exist physically and turns worthless after the money in it is finished (col. 2, lines 43-58 and col. 3, lines 5-10 and lines 59-64).

As per claim 2, Brody teaches, A method as claimed in claim 1, wherein the issuing company issues an identifying code that changes for each transaction made with the card, instead of a constant identifying code as described in claim 1. The issuing company provides the cardholder with a list of identifying codes, each used for one transaction (col. 9, lines 3-68 and col. 10, lines 1-7).

As per claim 3, Brody teaches, A method as claimed in claim 1, wherein the issuing company issues an identifying code that changes for each transaction made with the card, instead of a constant identifying code as described in claim 1, and the card holder adds the identifying code to the card number making a one code for each transaction, instead of submitting the card number separated from the identifying code. The issuing company provides the cardholder with a list of identifying codes, each used for one transaction (col. 10, lines 1-7 and lines 58-68).

As per claim 4, Brody teaches, A method as claimed in claim 2, wherein the issuing company sends the cardholder a new identifying code after each purchase (col. 14, lines 2-20).

As per claim 5, Brody teaches, A method as claimed in claim 2, wherein the first digit in each identifying code is respective to the transaction's serial number made with the card (col. 3, lines 5-30).

As per claim 6, Brody teaches, A method as claimed in claim 1, wherein the cards issued are standard with standard and fixed amount of money determined by the

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issuing company, said standard and fixed amount of money being a 10 dollar card, a 20 dollar card, a 50 dollar card, a 100 dollar card, a 500 dollar card, a 1000 dollar card etc. The customer is being able to choose his card from the standard card list offered by the issuing company (col. 2, lines 48-58). Brody does not specifically use a fixed money amount of 10 dollars, 20 dollars, 50 dollars, 100 dollars, or 1000 dollars, etc. but Brody does use a fixed amount money card.

As per claim 7, Brody teaches, A method as claimed in claim 1 or 2, wherein the issuing company charges the card holder for the full card value immediately after it is issued, even before the card is used for transactions (col. 2, lines 59-68 and col. 3, lines 1-4).

As per claim 8, Brody teaches, A method as claimed in claim 1 or 2, wherein the issuing company charges the cardholder for each transaction after it is executed. This requires from the issuing company to save the cardholder's permanent account details or credit card details in it's computerized system (col. 3, lines 46-53).

As per claim 9, Brody teaches, An item, comprising: A money card, said money card having been provided by an issuing company at the request of a first person (col. 2, lines 43-58); and, wherein said money card contains a certain amount of money determined by the first person's request. The card being comprising a card number, a card identifying code and a card changing code, and is used for transferring money from a first person to a second person. The first person gives the second person the card number and changing code and the second person requests the issuing company to

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change the card details, and by that making himself in full control of the card (col. 3, lines 5-10 and lines 59-64 and col. 4, lines 4-8).

As per claim 10, Brody teaches, A method as claimed in claim 9, wherein the second person (the person who got the card number and changing code), is able to cash the card, by providing the card's details including the changing code to the issuing company and requesting the issuing company to transfer the money to his account or to send him a check (col. 2, lines 63-68 and col. 3, lines 1-4 and lines 31-37).

As per claim 11, Brody teaches, A method as claimed in claim 1 or 2, wherein the issuing company issues an amount of physical cards in advance. Each card's details are written on a physical card. The card is sold in stores. The identifying code and changing code can be revealed by scratching the card in a proper place (col. 6, lines 40-52).

As per claim 12, Brody teaches, A method as claimed in claim 1 or 2, wherein the issuing company issues an amount of physical cards in advance. Each card's details including its card number, identifying codes and changing code are written on a physical card placed in a secured envelope on which the card amount of money is written. The card is sold in stores or sent to the customer (col. 6, lines 53-60).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 13 -15 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 5,350,906) Brody et al, here after Brody in view of (US 6,33,766) Gephart.

As per claim 13, Brody failed to teach, A method as claimed in claim 1 or 2, wherein the card details includes an issuing date, an expiry date, and the card holder's personal details such as name, id number and address. Gephart teaches, A method as claimed in claim 1 or 2, wherein the card details includes an issuing date, an expiry date, and the card holder's personal details such as name, id number and address (col. 3, lines 63-67 and col. 4, lines 1-6 and lines 38-65). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the card details include an issuing date, an expiry date, and the card holder's personal details such as name, id number and address and to modify in Brody because such a modification would allow Brody to have a limited-use account number that is deactivated when a specified number of transactions have been executed or when the specified period of time has expired.

As per claim 14, Brody failed to teach, A method as claimed in claim 1, wherein the issuing company will issue an identifying code that changes for each time period, instead of a constant identifying code as described in claim 1. The issuing company will provide the cardholder with a list of identifying codes, each used for a time period. Said time period can be a minute, an hour, a day, a week, a month, a year etc. Gephart teaches, the issuing company will issue an identifying code that changes for each time period, instead of a constant identifying code as described in claim 1. The issuing company will provide the cardholder with a list of identifying codes, each used for a time

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period. Said time period can be a minute, an hour, a day, a week, a month, a year etc. (col. 4, lines 53-65). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the issuing company issue an identifying code that changes for each time period, instead of a constant identifying code as described in claim 1. The issuing company will provide the cardholder with a list of identifying codes, each used for a time period. Said time period can be a minute, an hour, a day, a week, a month, a year etc. and to modify in Brody because such a modification would allow Brody to have an account number that would expire months or years with the flexibility and convenience to an account holder and may be applied to a limited-use account number card.

As per claim 15, Brody teaches, A method as claimed in claim 1 or 2, but without the use of a changing code (col. 23-31).

Claim Rejections - 35 USC § 102

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

16. Claims 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by (US 6,295,522) Boesch.

As per claim 16, Boesch teaches, A method comprising:
requesting a virtual money card from an issuing company through an Internet website,
said requesting of said virtual money card being by a person, said money card being

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provided by an issuing company for use by this person, wherein said request is for a virtual money card, limited to use up to a certain amount of money determined by the person's request. The card being comprising a card number, a card identifying code and a card changing code. The card number and identifying code are submitted in transactions while the changing code is used by the cardholder to change the card details, and not submitted in transactions. The card turns worthless after the money in it is finished (col. 1, lines 20-45 and fig.'s 3-6 (314)).

As per claim 17, Boesch teaches, A method as claimed in claim 1 or 2, wherein the issuing company sends the card's number, the identifying code and changing code separately or in different ways for increasing security. Said different ways being sending the card number by E-mail and sending the identifying code and changing code by fax (col. 4, lines 52-67 and col. 5, lines 1-3).

As per claim 18, Boesch teaches, A method as claimed in claim 1, 2 or 8 wherein the card is not limited with an amount of money, but is limited with a number of transactions or not limited at all (col. 5, lines 10-37).

As per claim 19, Boesch teaches, A method as claimed in claim 1, wherein a first person requests the issuing company to issue a card for a second person (col. 5, 38-58).

As per claim 20, Boesch teaches, A method as claimed in claim 1., 2 or 16 wherein after the money in the card is finished, the card holder asks the issuing company to load the same card with a certain amount of money again (col. 4, lines 24-34).

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17. Claims 21-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 6,295,522) Boesch in view of (US 5,350,906) Brody et al, hereafter Brody.

As per claim 21, Boesch failed to teach, A method as claimed in claim 1 or 2, wherein the card number is comprised of numbers and letters (like password). Brody teaches, wherein the card number is comprised of numbers and letters (like password) (col. 1, lines 23-31). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the card number comprised of numbers and letters (like password) and to modify in Boesch because such a modification would allow Boesch to have a security feature on the money card to prevent fraudulent activity.

As per claim 22, Boesch teaches, A method as claimed in claim 1 or 2, wherein the issuing company charges the money for the purchases on certain agreed upon dates (col. 4, lines 22-47).

As per claim 23, Boesch failed to teach, A method as described in claim 1, wherein the card number issued by the issuing company appears like a regular credit card number, and the card is further comprising of the cardholder details such as name, address, id number etc, as it is with regular credit cards today, so when the card holder is making a transaction he would use this card as if it was a regular credit card. The identifying code is unnecessary here. If for example, the card is being used on the Internet or the telephone, the cardholder submits the vendor with the same details as it is done with a regular credit card. Brody teaches, wherein the card number issued by the issuing company appears like a regular credit card number, and the card is further

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comprising of the cardholder details such as name, address, id number etc, as it is with regular credit cards today, so when the card holder is making a transaction he would use this card as if it was a regular credit card. The identifying code is unnecessary here. If for example, the card is being used on the Internet or the telephone, the cardholder submits the vendor with the same details as it is done with a regular credit card (col. 6, lines 26-60). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the card number issued by the issuing company appears like a regular credit card number, and the card is further comprising of the cardholder details such as name, address, id number etc, as it is with regular credit cards today, so when the card holder is making a transaction he would use this card as if it was a regular credit card. The identifying code is unnecessary here. If for example, the card is being used on the Internet or the telephone, the cardholder submits the vendor with the same details as it is done with a regular credit card. Brody teaches, wherein the card number issued by the issuing company appears like a regular credit card number, and the card is further comprising of the cardholder details such as name, address, id number etc, as it is with regular credit cards today, so when the card holder is making a transaction he would use this card as if it was a regular credit card. The identifying code is unnecessary here. If for example, the card is being used on the Internet or the telephone, the cardholder submits the vendor with the same details as it is done with a regular credit card and to modify in Boesch because such a modification would allow Boesch to have a PIN that links fixed amount cards together with separate accounts.

As per claim 24, Boesch failed to teach, A method as claimed in claim 2, wherein the issuing company sends the cardholder a few new identifying codes after every few transactions. Brody teaches, wherein the issuing company sends the cardholder a few new identifying codes after every few transactions (col. 7, lines 44-67 and col. 8, lines 1-6). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the issuing company sends the card holder a few new identifying codes after every few transactions and to modify in Boesch because such a modification would allow Boesch to have better security and to be protected against credit identity theft and credit fraud.

As per claim 25, Boesch teaches, A method as described in claim 1, wherein the card also exists in a physical form (col. 1, lines 35-45).

As per claim 26, Boesch teaches, A method as claimed in claim 1, wherein the card also exists in a physical form, and comprising a magnetic strip like a regular credit card (col. 2, lines 10-28). Brody also teaches, wherein the card also exists in a physical form, and comprising a magnetic strip like a regular credit card (col. 1, lines 16-22 and fig. 7 and fig. 8). Together Boesch and Brody teach the limitations of claim 26.

As per claim 27, Boesch teaches, A method as described in claim 1, but without the use of an identifying code (col. 1, lines 46-66)..

As per claim 28, Boesch failed to teach, A method as described in claim 2 , wherein a first person passes to a second person a card number and an identifying code for a specific transaction and also informs the issuing company about the amount money agreed for the transaction. The second person presents to the issuing company

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the card number, identifying code, and the amount of money and asks for the money.

The issuing company verifies the detail, and if the details are verified and the card contains the amount of money agreed upon, the issuing company will deliver the money to the second person. This enables the first person deliver to the second person a

partial amount of money from his card. Brody teaches, wherein a first person passes to a second person a card number and an identifying code for a specific transaction and also informs the issuing company about the amount money agreed for the transaction.

The second person presents to the issuing company the card number, identifying code, and the amount of money and asks for the money. The issuing company verifies the detail, and if the details are verified and the card contains the amount of money agreed

upon, the issuing company will deliver the money to the second person. This enables the first person deliver to the second person a partial amount of money from his card (col. 2, lines 43-58, col. 3, lines 5-10 and lines 59-64 and col. 4, lines 4-8). It would

have been obvious to one having ordinary skill in the art at the time the invention was made to have a first person pass to a second person a card number and an identifying code for a specific transaction and also inform the issuing company about the amount money agreed for the transaction. The second person present to the issuing company the card number, identifying code, and the amount of money and asks for the money.

The issuing company verifies the detail, and if the details are verified and the card contains the amount of money agreed upon, the issuing company will deliver the money to the second person. This enables the first person deliver to the second person a partial amount of money from his card and to modify in Boesch because such a

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modification would allow Boesch to have an account with any number of sub-accounts to transact business with a store and a bank and to have an identifying code (PIN) that is verified for security purposes.

As per claim 29, Boesch teaches, A method as claimed in claim 1 or 2, wherein every time the same customer is being issued with a new card, this new card has the same number as the first card issued to this customer in the same year. The card also comprises a digit which presents the serial number of the card in the same year to the same customer (col. 1, lines 56-67, col. 2, lines 1-29, col. 3, lines 12-21).

Response to Arguments

18. Applicant's arguments filed 10/21/04 have been fully considered but they are not persuasive.

Issue no. 1: Applicant argues: Claims 1-29 have been corrected in such a way as to "particularly point out and distinctly claim the subject matter which the applicant regards as his invention has been considered but is not persuasive. Response: Applicant's claims are not in the proper claim format that is acceptable by the Patent Office. The Applicant is advised to review the claim and application format of the references that were used in this rejection and to follow the Examiner's guidelines above. Applicant's amendment is not in compliance with 37 CFR 1.121 which is attached again to this Office Action.

Conclusion

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18. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Pool et al (US 6,460,020) disclosed an international transaction system with automatic credit authorization.

Ganesan (US 6,678,664) disclosed cashless transactions without credit cards, debit cards or checks.

Bombard et al (US 6,023,508) disclosed a virtual cash system.

Chasek (US 5,420,405) disclosed electronic money.

Dent (US 6,311,171) disclosed a secure smart card system.

Freeman et al (US 6,450,407) disclosed an electronic money rebate system.

Inquiries

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 703-308-7064. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1038. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "E. Colbert", with a long horizontal flourish extending to the right.

E. Colbert
January 6, 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

MEMORANDUM

DATE: July 25, 2003

TO: Technology Center Directors

FROM: Stephen G. Kunin *Stephen G. Kunin*
Deputy Commissioner for Patent Examination Policy

SUBJECT: Revised Amendment Practice Final Rule Effective July 30, 2003

All amendments filed on or after the effective date noted above must comply with revised 37 CFR 1.121. See Final Rule: **Changes To Implement Electronic Maintenance of Official Patent Application Records** (68 *Fed. Reg.* 38611 (June 30, 2003)), posted on the Office's website at: <http://www.uspto.gov/web/patents/ifw/notices.html> with related information. The amendment practice set forth in revised 37 CFR 1.121, and described below, replaces the voluntary revised amendment format available to applicants since February 2003. The Office will notify applicants of preliminary and non-final amendments that are not accepted because they do not comply with revised 37 CFR 1.121 via a Notice of Non-Compliant Amendment. See MPEP 714.03 (Rev. 1, Feb. 2003). After-final amendments will be treated by examiners in advisory actions. The non-compliant section(s) of the amendment will have to be corrected and the entire corrected section(s) resubmitted within a set period.

The revised amendment practice is essentially the same as the amendment practice that the Office set forth in *AMENDMENTS IN A REVISED FORMAT NOW PERMITTED*, 1267 *Off. Gaz. Pat. Office* 106 (February 25, 2003) with some exceptions summarized here. The revised amendment practice, as distinguished from the voluntary revised amendment format, now: (1) requires the use of seven claim status identifiers (formerly eleven) including new identifiers "previously presented" and "not entered," (2) requires the inclusion of text for "withdrawn" claims and the exclusion of text for "not entered" claims in the complete listing of all claims, (3) mandates use of underlining and strikethrough for indicating changes to the specification and/or claims, (4) permits use of double brackets for the deletion of five or fewer characters or difficult to perceive text, and (5) provides for applicant's submission of, or examiner's requirement for, annotated drawing sheets in addition to the required replacement drawing sheets.

Amendments filed prior to July 30, 2003 in compliance with the previous version of 37 CFR 1.121 or the revised version promulgated in the Notice of Final Rule Making 68 *Fed. Reg.* 38611 (June 30, 2003) will be accepted. New informational flyers are being inserted with each out-going Office Action mailed during the period of June 2003 to August 2003. The flyer instructs applicants in the procedures to be used to comply with the revised practice for amendments to the claims, specification, and drawings. A copy of the flyer is included herewith for your information.

Further Assistance: Any questions regarding the submission of amendments pursuant to the revised practice should be directed to Office of Patent Legal Administration (OPLA) Legal Advisors, Elizabeth Dougherty (Elizabeth.Dougherty@uspto.gov), Gena Jones (Eugenia.Jones@uspto.gov) or Joe Narcavage (Joseph.Narcavage@uspto.gov). Alternately, you may send e-mail to patentpractice@uspto.gov, the OPLA e-mail address that has been established for receiving queries and questions about patent practice and procedures or telephone OPLA at 703.305.1616.

Attachment: Flyer – Revised Amendment Practice: 37 CFR 1.121 Changed (Rev. 3, 7/24/03)

**REVISED AMENDMENT PRACTICE: 37 CFR 1.121 CHANGED
COMPLIANCE IS MANDATORY - Effective Date: July 30, 2003**

All amendments filed on or after the effective date noted above must comply with revised 37 CFR 1.121. See Final Rule: **Changes To Implement Electronic Maintenance of Official Patent Application Records** (68 Fed. Reg. 38611 (June 30, 2003)), posted on the Office's website at: <http://www.uspto.gov/web/patents/ifw/> with related information. The amendment practice set forth in revised 37 CFR 1.121, and described below, replaces the voluntary revised amendment format available to applicants since February 2003. **NOTE: STRICT COMPLIANCE WITH THE REVISED 37 CFR 1.121 IS REQUIRED AS OF THE EFFECTIVE DATE (July 30, 2003).** The Office will notify applicants of amendments that are not accepted because they do not comply with revised 37 CFR 1.121 via a Notice of Non-Compliant Amendment. See MPEP 714.03 (Rev. 1, Feb. 2003). The non-compliant section(s) will have to be corrected and the entire corrected section(s) resubmitted within a set period.

Bold underlined italic font has been used below to highlight the major differences between the revised 37 CFR 1.121 and the voluntary revised amendment format that applicants could use since February, 2003.

Note: The amendment practice for reissues and reexamination proceedings, except for drawings, has not changed.

REVISED AMENDMENT PRACTICE

I. Begin each section of an amendment document on a separate sheet:

Each section of an amendment document (e.g., Specification Amendments, Claim Amendments, Drawing Amendments, and Remarks) must begin on a separate sheet. Starting each separate section on a new page will facilitate the process of separately indexing and scanning each section of an amendment document for placement in an image file wrapper.

II. Two versions of amended part(s) no longer required:

37 CFR 1.121 has been revised to no longer require two versions (a clean version and a marked up version) of each replacement paragraph or section, or amended claim. Note, however, the requirements for a clean version and a marked up version for substitute specifications under 37 CFR 1.125 have been retained.

A) Amendments to the claims:

Each amendment document that includes a change to an existing claim, cancellation of a claim or submission of a new claim, must include a complete listing of all claims in the application. After each claim number in the listing, the status must be indicated in a parenthetical expression, and the text of each pending claim (with markings to show current changes) must be presented. The claims in the listing will replace all prior claims in the application.

- (1) The current status of all of the claims in the application, including any previously canceled, not entered or withdrawn claims, must be given in a parenthetical expression following the claim number using only one of the following seven status identifiers: (original), (currently amended), (canceled), (withdrawn), (new), **(previously presented) and (not entered)**. The text of all pending claims, **including withdrawn claims**, must be submitted each time any claim is amended. Canceled **and not entered** claims must be indicated by only the claim number and status, without presenting the text of the claims.
- (2) The text of all claims **being currently amended** must be presented in the claim listing with markings to indicate the changes that have been made relative to the immediate prior version. The changes in any amended claim must be shown by underlining (for added matter) or strikethrough (for deleted matter) with 2 exceptions: (1) for **deletion of five characters or fewer, double brackets may be used (e.g., [[error]]**; and (2) if **strikethrough cannot be easily perceived (e.g., deletion of the number "4" or certain punctuation marks), double brackets must be used (e.g., [[4]])**. **As an alternative to using double brackets, however, extra portions of text may be included before and after text being deleted, all in strikethrough, followed by including and underlining the extra text with the desired change (e.g., number 4 as number 14 as)**. An accompanying clean version is not required and should not be presented. Only claims of the status "currently amended," and "withdrawn" that are being amended, may include markings.
- (3) The text of pending claims **not being currently amended, including withdrawn claims**, must be presented in the claim listing in clean version, i.e., without any markings. Any claim text presented in clean version will constitute an assertion that it has not been changed relative to the immediate prior version except to omit markings that may have been present in the immediate prior version of the claims.

- (4) A claim being canceled must be listed in the claim listing with the status identifier "canceled"; the text of the claim must not be presented. Providing an instruction to cancel is optional.
- (5) Any claims added by amendment must be presented in the claim listing with the status identifier "(new)"; the text of the claim must not be underlined.
- (6) All of the claims in the claim listing must be presented in ascending numerical order. Consecutive canceled, or not entered, claims may be aggregated into one statement (e.g., Claims 1 – 5 (canceled)).

Example of listing of claims (use of the word "claim" before the claim number is optional):

Claims 1-5 (canceled)

Claim 6 (previously presented): A bucket with a handle.

Claim 7 (withdrawn): A handle comprising an elongated wire.

Claim 8 (withdrawn): The handle of claim 7 further comprising a plastic grip.

Claim 9 (currently amended): A bucket with a ~~green~~ blue handle.

Claim 10 (original): The bucket of claim 9 wherein the handle is made of wood.

Claim 11 (canceled)

Claim 12 (not entered)

Claim 13 (new): A bucket with plastic sides and bottom.

B) Amendments to the specification:

Amendments to the specification, including the abstract, must be made by presenting a replacement paragraph or section or abstract marked up to show changes made relative to the immediate prior version. An accompanying clean version is not required and should not be presented. Newly added paragraphs or sections, including a new abstract (instead of a replacement abstract), must not be underlined. A replacement or new abstract must be submitted on a separate sheet, 37 CFR 1.72. If a substitute specification is being submitted to incorporate extensive amendments, both a clean version (which will be entered) and a marked up version must be submitted as per 37 CFR 1.125.

The changes in any replacement paragraph or section, or substitute specification must be shown by underlining (for added matter) or strikethrough (for deleted matter) with 2 exceptions: (1) for deletion of five characters or fewer, double brackets may be used (e.g., [[eroor]]); and (2) if strikethrough cannot be easily perceived (e.g., deletion of the number "4" or certain punctuation marks), double brackets must be used (e.g., [[4]]). As an alternative to using double brackets, however, extra portions of text may be included before and after text being deleted, all in strikethrough, followed by including and underlining the extra text with the desired change (e.g., number 4 as number 14 as)

C) Amendments to drawing figures:

Drawing changes must be made by presenting replacement figures which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments, or remarks, section of the amendment, and may be accompanied by a marked-up copy of one or more of the figures being amended, with annotations. Any replacement drawing sheet must be identified in the top margin as "Replacement Sheet" and include all of the figures appearing on the immediate prior version of the sheet, even though only one figure may be amended. Any marked-up (annotated) copy showing changes must be labeled "Annotated Marked-up Drawings" and accompany the replacement sheet in the amendment (e.g., as an appendix). The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Questions regarding the submission of amendments pursuant to the revised practice set forth in this flyer should be directed to: Elizabeth Dougherty or Gena Jones, Legal Advisors, or Joe Narcavage, Senior Special Projects Examiner, Office of Patent Legal Administration, by e-mail to patentpractice@uspto.gov or by phone at (703) 305-1616.